IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No.51837-M of 2006

DATE OF DECISION : 31.08.2006

Raghbir Singh and another

.... PETITIONERS

Versus

Harish Malhotra

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Avnish Mittal, Advocate,
for the petitioners.

* * *

The petitioners, who have been summoned under Section 138 of the Negotiable Instruments Act in complaint No. 8 dated 23.1.2002, pending in the Court of Sub Divisional Judicial Magistrate, Rajpura, have filed this petition under Section 482 of the Code of Criminal Procedure for quashing of the complaint as well as the summoning order.

I have heard counsel for the petitioners and gone through the complaint as well as the summoning order.

The quashing of the impugned complaint as well as the summoning order has been sought on the ground that the cheque issued by the petitioners was not issued by them in discharge of their liability. This is a question of disputed fact and on this ground, the aforesaid complaint and the summoning order cannot be quashed.

Dismissed.

August 31, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**